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July 22, 2003

**SUMMARY OF
EX PARTE PRESENTATION**

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW, Room TWA325
Washington, DC 20554

Re: Ex Parte Presentation CC Docket No. 95-116, 02-33

Dear Ms. Dortch:

On July 21, 2003, the undersigned, Daniel Phythyon, and Lawrence E. Sarjeant, United States Telecom Association (USTA), met with Kathleen Ham, Deputy Chief, and Simon Wilkie, Chief Economist, of the Federal Communications Commission's (FCC) Office of Strategic Planning and Policy Analysis. The purpose of the meeting was to discuss local number portability (LNP) in the context of the Cellular Telecommunications and Internet Association's (CTIA) Petitions' for Declaratory Ruling (Petitions')¹ and the *Wireline Broadband* proceeding.²

Consistent with its prior filings in these proceedings, USTA articulated its concerns in relation to CTIA's Petitions' and the *Wireline Broadband* proceeding. In regards to CTIA's Petitions', USTA expressed its position that the impacts of inter-modal number portability upon wireline carriers be fully considered by the FCC as it implements wireless LNP. Permitting wireline-to-wireless number porting outside of the wireline rate center into larger wireless local calling areas, which in some instances would cross state boundaries, impairs the ability of incumbent local exchange carriers (ILECs) to rate toll calls. Requiring number porting outside of the ILEC rate centers will undermine and dramatically impact intrastate rate structures administered by state public service commissions. Changes in the scope of ILEC porting obligations cannot be lawfully done outside of a rulemaking proceeding that takes into

¹ See Telephone Number Portability, CC Docket No. 95-116, *Petition for Declaratory Ruling of the Cellular Telecommunications & Internet Association* (filed Jan. 23, 2003); *Petition for Declaratory Ruling of the Cellular Telecommunications & Internet Association*, filed May 13, 2003.

² *Appropriate Framework for Broadband Access to the Internet over Wireline Facilities; Universal service Obligations of Broadband Providers; Computer III further remand proceedings; Bell Operating Company Provision of Enhanced services; 1998 Biennial Regulatory Review-Review of Computer II and ONA Safeguards and Requirements*, CC Docket Nos. 02-33; 95-20; 98-10, FCC 02-42, Notice of Proposed Rulemaking (rel. Feb. 15, 2002).

account rate structures imposed upon ILECs by state regulators. Finally, USTA explained that the porting interval for wireline to wireless carriers should remain as currently set forth in FCC Rule 52.26(a).³

In relation to broadband, ILECs should be afforded the same opportunity as cable companies to structure their broadband offerings to meet the needs of their customers. USTA emphasized that the FCC's analysis in the *Cable Declaratory Ruling*⁴ can be applied to ILECs, allowing ILECs the option of offering broadband transport via common carrier, private carriage, or as a telecommunications component of a single integrated Internet access service. By providing ILECs the flexibility to select the regulatory framework with which to provide broadband, they will have incentives to and be able to continue to deploy broadband competitively in the mass market.

Further, USTA stressed the importance of cross-Bureau coordination as the FCC moves toward final action in both proceedings.

In accordance with Section 1.1206(b)(2) of the Federal Communications Commission's (FCC) rules, this letter is being filed electronically with your office. Please feel free to contact me at (202) 326-7271 should you have any questions.

Sincerely,



Michael T. McMenamin
Associate Counsel

cc: Kathleen Ham
Simon Wilkie

³ 47 CFR § 52.26(a).

⁴ *Inquiry Concerning High-Speed Access to the Internet Over Cable and Other Facilities; Internet Over Cable Declaratory Ruling*, GN Docket No. 00-185, FCC 02-77 (rel. Mar. 15, 2002)).



